IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2332 OF 2005

Shri.Santosh Nivruti Mane & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.Umesh Mankapure for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 12, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. As there is evidence indicating the fact that the Applicants were seen entering the premises hurriedly and thereafter, chasing the deceased after he was assaulted inside the premises and the witnesses also noticed that one of the accused gave blow on the chest of the deceased while moving

outside the premises, coupled with the fact that there is recovery at the instance of the Applicants and considering the seriousness of the offence, not a case for bail. Moreover, prosecution has alleged motives for the commission of the offence.

3. The argument that the recovery shown from the Applicants cannot be believed because the blood stained clothes of the Applicants have been recovered on the next day and it is stated that the said Applicants were seen wearing the subject blood stained clothes, is improbable. That, however, is a matter for trial.

4. In my opinion, in view of the material on record to indicate the complicity of the Applicants and seriousness of the offence, not a case for bail. I see no reason to depart from the conclusion reached by the lower Court in rejecting bail application of the Applicants. Hence, dismissed.

5. As prayer for bail is rejected, the Trial Court is directed to expedite the hearing of the

case as ‘High Court Expedited Case’.

6. In case, the Trial Court is of the opinion that the accused are not co-operating for the early disposal of the trial or responsible for prolonging the same, that opinion be recorded in the Roznama, which can be taken into account as and when occasion arises.

7. Application disposed of on the above terms.

A.M.KHANWILKAR, J.